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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/661,281 | 09/12/2003 | Michael Rivers JR. | 42208.0400 | 7661 |

20322 7590 01/18/2005

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EXAMINER

JULES, FRANTZ F

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3617

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,281

Applicant(s)

RIVERS ET AL.

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-15 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9, 15 and 23 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Specie A, Figs. 1-7 in the reply filed on 10/12/2004 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 2, the phrase "a first side wheel hub" is confusing as it is unclear how it relates to previously recited wheel hub above in claim 1. The wheel hub being part of a first wheel face.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schultz (US 5,016,944).

Claim 1

Schultz discloses a wheel spinner assembly mountable to a first wheel face and second

Art Unit: 3617

wheel face of a wheel of a vehicle, the assembly comprising a spinner (11) rotatably mountable to said wheel in proximity to at least one of said first and second wheel face, said spinner including a spinner central bore through which at least one of a wheel axle shaft (15) and wheel hub (A) is insertable during mounting to said wheel, see attached sketch, wherein said spinner rotates around said at least one said wheel axle and wheel hub when mounted; and a friction reducing means (17) in physical communication with said spinner central bore, said friction reducing means configured to be fitted circumspect at least one of said wheel axle shaft and said wheel hub, said friction reducing means (17) supporting said spinner.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 7, 9, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Murin (US 1,500,884).

Claims 1-4, 7, 9 and 15

Murin discloses a wheel spinner assembly mountable to a first wheel face and second wheel face of a wheel of a vehicle, the assembly comprising a spinner (25) rotatably mountable to said wheel in proximity to at least one of said first and second wheel face, said spinner including a spinner central bore through which at least one of a wheel axle shaft (11) and wheel hub (20) is insertable during mounting to said wheel, see attached sketch, wherein said spinner rotates around said at least one said wheel axle and wheel

hub when mounted; and a friction reducing means (23) in physical communication with said spinner central bore, said friction reducing means configured to be fitted circumspect at least one of said wheel axle shaft and said wheel hub, said friction reducing means supporting said spinner.

The wheel spinner assembly further comprising a retaining means (16) in physical communication with said friction reducing means to ensure abutment of said friction reducing means with said spinner central bore, said retaining means configured to be fitted circumspect at least one of said wheel axle shaft and wheel hub in accordance with claim 2.

The wheel spinner assembly further including a spacer (23) including a spacer central bore, said spacer configured to be fitted circumspect at least one of said wheel axle shaft and wheel hub, said spacer in physical communication with at least one of said fiction reducing means and said retaining mean in accordance with claim 3.

The spinner being configured with a greater spinner mass (29) in proximity with a to a spinner outer perimeter than near the spinner axis of rotation for increasing the angular momentum if inertia of the spinner in accordance with claim 7.

Murin also discloses a method of providing a free rotation spinner assembly mountable to a vehicle wheel comprising the steps of providing a spinner adjacent to, but not in physical contact with, a wheel face of the vehicle wheel, the spinner including a spinner central bore through which at least one of a wheel axle shaft; and a wheel hub (19) is insertable during mounting; and providing a friction reducing means (23) in physical communication with said spinner bore, said friction reducing means configured to be

Art Unit: 3617

fitted circumspect at least one of said wheel axle shaft and said wheel hub, said friction reducing means supporting said spinner for providing free rotation.

The spinner being formed with a contoured outer surface (25) responsive to the friction of passing air in accordance with claim 10.

Allowable Subject Matter

8. Claims 8, 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 12-14, 18-22 stand allowable. None of the references of record suggests a wheel spinner assembly comprising a first and a second spinner rotatably mountable to the wheel in the manner defined in the instant claim 12 and in combination with other limitations of the claim.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Burgess, Baker, Hettinger, and Jones are cited to show related wheel spinner assembly comprising a friction reducing means.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

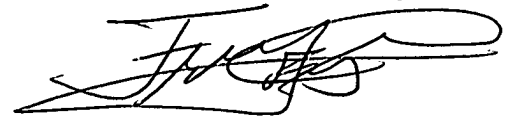
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

January 12, 2005

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz F. Jules', written over a horizontal line.